

U.S. Application No.: 09/679,109Attorney Docket No.: CIS00-2413

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REMARKS

In response to the Advisory Action mailed August 15, 2005, Applicants respectfully request reconsideration. To further the prosecution of this Application, Applicants submit the following remarks. The claims as now presented are believed to be in allowable condition.

Claims 1-28 are pending in this Application. Claims 1, 3, 5, 8, 13, 15, 17, 20, 23, 25 and 27 are independent claims.

Rejections under §103

Claims 1, 3, 5, 7-10, 12-13, 15, 17, 19-20, 22-23, 25, 27 and 29-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. US 2001/0047260 A1 to Walker (hereinafter Walker) in view of U.S. Publication No. US 2002/0052747A1 to Sarukkai (hereinafter Sarkkai). The Examiner further rejected claims 2, 4, 6, 11, 14, 16, 18, 21, 24, 26, and 28 as being unpatentable over Walker in view of Sarukkai and further in view of U.S. Patent No. 6,658,389 to Alpdemir (hereinafter Alpdemir).

Enclosed in te previous response were affidavits of Lewis D. Dodrill and Ryan A. Danner, co-inventors of the present application. An affidavit regarding inventor Steven J. Martin (signed by Robert Barr, Vice President Intellectual Property for Cisco Systems, Inc., Assignee of the present Application) was alsosubmitted. The affidavits under 37 C.F.R. §1.131 constitute an uncontroverted unequivocal statement as to the correctness of the inventorship and that the invention was conceived prior to the priority date of the Walker reference (May 17, 2000), the Sarukkai reference (August 11, 2000) and the Alpdemir reference (March 24, 2000). Applicants respectfully submit that the Walker reference, the Sarukkai reference, and the Alpdemir reference applied by the Examiner do not qualify as prior art since the affidavits show that the present invention was conceived and reduced to practice prior to the priority date of the Walker reference, the Sarukkai reference, and the Alpdemir reference. As such,

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the present invention cannot be anticipated by the Walker reference, the Sarukkai reference, and the Alpdemir reference, taken alone or in combination. Accordingly, the rejection of claims 1, 3, 5, 7-10, 12-13, 15, 17, 19-20, 22-23, 25, 27 and 29-32 as being unpatentable over Walker and Sarukkai is believed to have been overcome, and the rejection of claims 2, 4, 6, 11, 14, 16, 18, 21, 24, 26, and 28 as being unpatentable over Walker in view of Sarukkai and further in view of Alpdemir is also believed to have been overcome.

In the Advisory Action the Examiner stated that the evidence submitted is insufficient to establish a date of conception prior to the effective date of the references because the dates on the evidence missing or unreadable. Applicants respectfully point out that the Examiner is incorrect in maintaining that the dates need to be shown on the evidence submitted. This is clearly disclosed in MPEP §715.07 which states:

"If the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration.

When alleging that conception or a reduction to practice occurred prior to the effective date of the reference, the dates in the oath or declaration may be the actual dates or, if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date."

In view of this, Applicants respectfully assert that the affidavits and evidence submitted on July 14, 2005 undeniably meet the requirements for swearing behind the reference cited in the office action, in accordance with MPEP §7125.07 and therefore that the Examiner incorrectly considered the evidence and affidavits as ineffective. Further, in order to expedite the present application, Applicants have enclosed herewith the evidence submitted earlier, however, the dates have not been redacted on this copy. Accordingly, the evidence clearly shows earlier conception as well as the use of due diligence in converting the evidence (an invention disclosure document) to a patent application.

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Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

If the U.S. Patent and Trademark Office deems a fee necessary, this fee may be charged to the account of the undersigned, Deposit Account No. 50-0901.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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